

*a City-County  
agency providing public Planning  
services to the City of Charlotte and  
the unincorporated areas of  
Mecklenburg County*

# Planning Commission

Feb 7, 2011  
work session

Charlotte-Mecklenburg  
Government Center

Room 267  
Noon



A stylized graphic consisting of several overlapping, wavy bands in shades of blue, green, and olive. The word "Agenda" is written in a white, cursive font in the center of the blue band.

# Agenda



# Charlotte-Mecklenburg Planning Commission

February 7, 2011 - Noon

CMGC - Conference Room 267

Work Session Agenda

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## Call to Order & Introductions

Yolanda Johnson

### Administration

#### **Approval of Planning Commission Minutes**

Approve the December 6, 2010 work session minutes

*Attachment 1*

### Policy

#### **UNCC Land Use Study**

Vicki Bott & Doug Shoemaker

**Background:** UNCC staff to present information and a demonstration of the RENCI Urban Growth Model.

**Action:** Receive as information.

### **Text Amendments**

#### **Subdivision Ordinance Transitional Setback Text Amendment**

Sandy Montgomery

**Background:** This text amendment to the Subdivision Ordinance eliminates the transitional setback along identified sections of U.S. 74 upon completion of the North Carolina Department of Transportation (NCDOT) Right-of-Way Acquisition Program.

**Action:** Planning staff requesting permission to file text amendment on behalf of the Planning Commission.

*Attachment 2*

#### **Zoning Ordinance Transitional Setback Text Amendment**

Sandy Montgomery

**Background:** This text amendment to the Zoning Ordinance eliminates the transitional setback along identified sections of U.S. 74 upon completion of the North Carolina Department of Transportation (NCDOT) Right-of-Way Acquisition Program.

**Action:** Planning staff requesting permission to file text amendment on behalf of the Planning Commission.

*Attachment 3*

#### **Heights in Residential Districts (HIRD)**

Katrina Young

**Background:** Planning staff to provide an update on the HIRD text amendment stakeholder process.

**Action:** Receive as information.

#### **Pedestrian Overlay Districts (PED)**

John Howard

**Background:** Planning staff to provide an update on the PED text amendment stakeholder process.

**Action:** Receive as information.

### Information

#### **Planning Director's Report**

- Residential Design Standards

#### **February & March Meeting Schedules**

*Attachment 4*

## **Planning Department's Public Outreach Presentations**

*Attachment 5*

### **Committee Reports**

#### **Executive Committee**

Yolanda Johnson

- December 20, 2010 Approved Minutes
  
- Future Agenda Items
  - Capital Improvement Plan
  - Charlotte's Housing Market Study
  - ULI Rose Fellowship Study Update
  - Center City Update (March)

*Attachment 6*

#### **Zoning Committee**

Tracy Finch Dodson

- Public Hearings
- Zoning Committee Agenda

*Attachment 7*

*Attachment 8*

#### **Planning Committee**

Yolanda Johnson

- November 16 Approved Minutes

*Attachment 9*

#### **Historic District Commission**

- January 19, 2011 Meeting Update

Meg Nealon

*Attachment 10*

#### **Communication from Chairperson**

Yolanda Johnson

- Update on the Planning Commission Retreat Follow-Up

A stylized graphic featuring the word "Administration" in a white, cursive font. The text is centered within a blue, wavy, brush-stroke-like shape. This blue shape is layered over a green, wavy shape, which is in turn layered over a brownish-green, wavy shape. The overall effect is that of layered, torn paper or fabric, with the colors blending into each other at the edges. The background is plain white.

*Administration*





# Charlotte-Mecklenburg Planning Commission

Attachment 1

December 6, 2010 – Noon

CMGC – Conference Room 267

Action Minutes

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## Attendance

**Commissioners Present:** Stephen Rosenburgh (Chairperson), Yolanda Johnson (Vice-Chairperson), Emma Allen, Tracy Finch Dodson, Steven Firestone, Claire Green Fallon, Nina Lipton, Eric Locher, Meg Nealon, Greg Phipps, Joel Randolph, and Dwayne Walker,

**Commissioners Absent:** Lucia Griffith & Andy Zoutewelle

Commissioner Walker arrived at 12:40 pm.

Vice-Chairperson Johnson and Commissioner Green Fallon left the meeting at 1:12 pm.

**Planning Staff Present:** Laura Harmon, Solomon Fortune, Sandy Montgomery, Cheryl Neely, Sandra Stewart, and Katrina Young

**Guests Present:** Marilyn Marks (Charlotte Mecklenburg Food Policy Council), Allison Mignery (Carolinas Health Care) and Dr. Elizabeth Racine (UNC Charlotte)

## Call to Order

The Chairperson called the meeting to order at 12:13 pm.

## Administration

### **Approval of Planning Commission Minutes**

Chairperson Rosenburgh asked for a motion to approve the November 1, 2010 work session minutes. Commissioner Lipton stated that during the Transportation presentation, the Chairperson asked Mr. Steinman a question about a slide which illustrated a decline in population within ¼ mile of transit stops. She noted that the Commission asked for follow up details about the slide. She asked that this be included in the minutes since it is a follow-up item. The Chairperson asked Cheryl Neely to make note of this. Ms. Neely indicated that she would review the meeting recording. Commissioner Nina Lipton moved to approve the minutes, seconded by Vice-Chairperson Johnson with the modification. The vote was 11 to 0 to approve with the proposed modification.

## Policy

### **Mecklenburg County Community Food Assessment**

Marilyn Marks stated that the Charlotte-Mecklenburg Food Policy Council is the local advisory/advocacy group for food in Mecklenburg County. When the Council was formed there was as need to find out the state of food or the ability to get food in Mecklenburg County.

Dr. Elizabeth Racine shared that the Council asked her to do a food assessment to look at what kinds of food stores are in different neighborhoods throughout Mecklenburg County. Phase 1 of the study included:

- Identifying food deserts in Mecklenburg County
- Determining if there is a relationship between the number of food stores in a census block group and population density, median household income of the residents, race/ethnicity of the residents and health indicators

Mecklenburg County was divided into 373 census block groups. There are 721 food stores within these block groups. 186 of these stores are classified as full service grocery stores and 466 are SNAP approved (SNAP is the new name for the food stamp program). Stores are required to sell two types of perishable products to be able to accept SNAP benefits. Most stores sell milk and bread to meet this requirement. Although many stores are SNAP approved, they are not full service grocery stores. Convenience stores, drug stores and other stores such as Family Dollar are approved to accept SNAP because they meet this requirement.

The study defined a food desert is an area in a low income neighborhood that does not have access to healthy food. Of the 373 census blocks, 60 are food deserts. In the food deserts areas about 32 percent of residents are SNAP recipients. There are 89 stores within the food desert areas, however only one sells produce. This store is a farmers market which is open periodically.

The majority of all census block groups don't have full service grocery stores. There are triple the amount of non full service stores and SNAP approved stores in lower income census tracts than in higher income areas.

The food assessment revealed the following:

- As the number of food stores increase population density decreases.
- As the number of full service food stores increases, median income decreases.
- There are more non full service stores as income decreases.
- Asians and Hispanics tend to live in areas where there are a lot of stores.
- Premature deaths (before age 65) due to diabetes and heart disease decrease in areas where there are full service stores.

Allison Mignery serves as the government liaison for the Food Council. Ms. Mignery presented the following recommendations from the food assessment:

1. Work to get more mobile farmers markets or produce markets in food deserts. Perhaps locating a produce truck at the CATS Transit Center. The first year of this initiative would cost about \$40,000 but long term this concept should be an entrepreneurial opportunity.
2. Implement a Women, Infant & Children's (WIC) Farmers Market Nutrition Program. Currently SNAP is accepted at farmers markets, but WIC is not. Mecklenburg County has the largest WIC program in the state.
3. Apply for nutrition education funds to come up with a SNAP education program to train recipients on nutrition and cooking.
4. Design zoning and land use policies to allow community gardens as an approved use on vacant lots and work with Park and Recreation to require that all new parks include space for community gardens.

Phase 2 of the food assessment was funded through the Mecklenburg County Health Department. There were four focus groups conducted in October, 2010. Two groups were SNAP recipients and two were non SNAP recipients. The objective of the focus groups was to gain the community perspective on food store availability. Participants were asked how they get food, the reason for choosing certain stores, and the transportation method used to get to the store. The findings from this phase are not available.

The second part of Phase 2 will include a restaurant analysis to determine the availability of fast food restaurants in food deserts and if there are relationships between the number of fast food restaurants and race/ethnicity, median income and premature deaths to diabetes and heart disease.

Commissioner Locher asked how the \$40,000 for the mobile farmers market would be used. Ms. Mignery responded that those funds would be used to purchase a truck, maintain the vehicle, purchase produce and pay a part time driver's salary.

Commissioner Locher asked how do stores receive their money and what percentage they receive from SNAP purchases. Ms. Mignery explained that SNAP card purchases are similar to debit card transactions. The purchaser swipes the SNAP card and the store receives all the money from the transaction. The WIC program currently uses paper vouchers and plans to use an electronic processing system by 2020. Dr. Racine added that \$11 million a month is distributed to SNAP recipients in Mecklenburg County.

Commissioner Lipton thanked all for the presentation and acknowledged the request for changes to the Zoning Ordinance to allow for community gardens. She asked if there were other barriers or deficiencies in the Zoning Ordinance that may help promote what they are doing. Ms. Mignery shared that the Farmer's Market text amendment was identified a couple of years ago and that they had worked with staff to provide input on the amendment. She was glad to see that the amendment was coming to fruition. She also noted that the Community garden recommendation can be easily replicated because other communities already have policies in place which allow for community gardens.

Commissioner Lipton was not sure how the text amendment would help with areas that have food deserts. Ms. Mignery stated that mobile farmers markets can be used to bring foods into those areas. She is interested in partnering with the Commission and Planning staff to determine appropriate zoning classifications and amend the ordinance, if necessary, to allow for community gardens.

Commissioner Nealon asked if they were looking at other community gardens throughout the Country and how long term maintenance, participation and distribution of products are handled in other areas. Ms. Mignery responded that community gardens are extremely successful and there are several established gardens in Charlotte. Marilyn Marks explained that there is a specific group working on community garden zoning issues; such as if gardens should be allowed in front yards. This group hopes to get best practices from other areas. Commissioner Nealon asked if there were any specific model communities. Dr. Elizabeth Racine responded that San Diego, CA and Durham, NC have successful community garden programs.

Commissioner Green Fallon asked if the study took the “little” farmers who locate along corridors such as Sugar Creek and Beatties Ford roads into consideration. Dr. Racine responded that they were not included in the study if they were not on the Business Wise list, which is a list of stores with business licenses. Commissioner Green Fallon suggested that the Bank Program which provides \$1,500 loans for new business start up could be advantageous.

Dr. Racine also stated that data used in the study was statistically significant. The data was regression models and controlled for income, race/ethnicity and population density.

Commissioner Firestone asked how Charlotte compares to other cities in terms of food deserts. Dr. Racine stated that Charlotte can’t compare to other cities because food deserts is a new term and other communities have done their studies differently.

Commissioner Phipps asked how effective are community gardens, especially since they are seasonal, time consuming and resource intensive. He asked how school and community gardens can have mass distribution of food to impact the community. Marilyn Marks responded that school and community gardens will not provide enough food for CMS. The concept has more to do with educating and raising children and adult’s understanding of healthy eating. She acknowledged that this may be starting small, but can have a great impact when combined with other recommendations.

Dr. Racine shared that the urban farming concept is huge. She noted that Detroit has a model program which uses vacant urban lots for gardens. Restaurants have bought into the idea of purchasing local food from these gardens. She hopes that in the future Charlotte will consider having zoning policies which allow for urban gardens. Marilyn Marks added that money is leaving the Charlotte community because we are not buying locally grown food.

Chairperson Rosenburgh thanked the presenters for the information. He agreed that having fresh produce available at the Transit Center is a great idea. He suggested that they partner with local grocers and CATS to place fresh produce at the Transit Center, instead of using the mobile truck concept. He also asked the presenters to share other thoughts or suggestions with staff.

## **Text Amendments**

### **Fresh Produce Markets**

Solomon Fortune presented the fresh produce market text amendment, explaining that this amendment deletes current regulations for “Outdoor Seasonal Fresh Produce Stands” and replaces it with new regulations for “Fresh Produce Markets”. He also explained that the Ordinance was being amended because outdoor seasonal fresh produce sales are only allowed in UR-C, B-1, B-2 and CC zoning districts. They currently must be located on lots occupied by another non-residential use, have design standards, cannot exceed 360 square feet and can only operate for 180 days at a time on one site, from April 1 to October 15. The current regulations also have parking requirements and limits the hours of operation to one half hour after sunrise to one half hour after sunset.

Mr. Fortune stated that the proposed regulations will remove the design standards, allow the use to operate year round, and locate in all districts with prescribed conditions. However, the use shall only be allowed in residential, institutional and office zoning districts as an accessory use to an institution or office use. A land use permit is required from Neighborhood and Business Services. The hours of operation are limited to 8:00 am to 9:00 pm. Permanent buildings are not

allowed in residential, office, or institutional districts. Temporary structures are allowed but must be removed within 7 days from the date the permit expires.

The Chairperson stated that this item had been discussed at length at the last two meetings. He asked if there were any questions, otherwise he would entertain a motion. Commissioner Lipton and staff clarified that this item has been on the Executive Committee's agenda, not the full Commission's work session agenda.

Commissioner Lipton asked if the current ordinance was broken. She also asked what can be done to help provide fresh produce in the areas that are lacking. Commissioner Lipton stated that she was confused as to the purpose of the amendment. The Chairperson responded that the current ordinance does not allow for the smaller church or community lots that may have one or two smaller vendors.

Commissioner Lipton asked why not modify the current language in the ordinance to allow for this instead of getting rid of the old ordinance and replacing it with a new one. Laura Harmon responded that there is little change in terminology, but a lot of the standards are the same. She stated that Carolinas Health Care contacted staff because they had a truck that came out to their offices and would not be able to operate as fully as they liked to because of the limited time period.

Commissioner Lipton stated that it is not clear what the prescribed conditions are for each district. She supports providing flexibility, but this seems to allow the whole spectrum. She referenced the text amendment to the information pillars which was being done because it wasn't interpreted as intended by the Zoning Ordinance. She wasn't sure that the Fresh Produce text amendment was going to achieve the purpose.

Commissioner Allen asked about removing the design standards. She stated that she was concerned about vendors being allowed to have structures that were not regulated by design standards. Katrina Young reiterated that permanent buildings are not allowed in residential, office or institutional districts. Temporary structures are allowed in these districts, but if the market is located on a church or school site the current building will serve as the structure.

Chairperson Rosenburgh asked if there are guidelines for what the structure should look like. Solomon Fortune replied that there are not guidelines. Laura Harmon suggested that staff gather these issues and respond during the Zoning Committee process. Commissioner Allen expressed concern again about a structure being allowed without any design guidelines.

Commissioner Green Fallon asked if this amendment will require small farmers who set up stands in their yards to get business licenses. Solomon Fortune responded that currently they should not be selling in residential districts. He further explained that this amendment will allow several mini vendors to locate in one area. Laura Harmon stated that this was not dealing with single family residential properties other than institutional uses. Code enforcement will enforce sales in residential districts just as they currently do. This amendment is broadening the locations where the sale of fresh produce is allowed.

Commissioner Green Fallon asked how much does business license cost. Katrina Young explained that it is based on gross revenue. Commissioner Green Fallon was concerned that the amendment would prohibit small vendors from selling their goods. Katrina Young responded that the amendment does not prohibit anything legally and will actually expand the areas where produce sales are allowed.

Commissioner Green Fallon asked if the text amendment addressed refrigeration and the sale of baked goods. Katrina Young explained that the amendment allows for the sale of fresh fruits and produce only. It does not allow for refrigeration or the sale of baked goods.

Chairperson Rosenburgh asked if the questions would be addressed with the Zoning Committee. Laura Harmon clarified that staff is asking for permission to file the text amendment on behalf of the Planning Commission or the Department's name. The amendment will go through the typical process.

Commissioner Randolph asked if it is time sensitive or if it could wait to allow for improvements to the amendment. Laura asked if the Commission wanted the improvements to come back to the full Commission or if they can be addressed during the Zoning Committee process. The Chairperson responded that concerns could be addressed during Zoning Committee review.

Commissioner Lipton stated that she was supportive of what staff is trying to do but suggested that it may be best to file the text amendment once everyone is comfortable with it rather than trying to change it during the Zoning Committee process. Laura Harmon responded that the only zoning related issue was Commissioner Allen's concern about design standards. The business license concern is not zoning regulated.

Commissioner Lipton asked what will prohibit a flea market. Laura Harmon stated that the amendment only allows for the sale of fresh produce, fruit and vegetable derived products and plants. Commissioner Lipton stated that the text amendment indicates that it is not intended to preclude the sale of manufactured items. She referenced text on page 5 of the text amendment which indicates that periodic retail sales and outdoor seasonal sales are allowed. Commissioner Lipton stated that she was worried about the unintended consequences.

Katrina Young addressed the urgency of the text amendment. She explained that when discussions were held with Carolinas Health Care they were going to use outdoor seasonal sales and temporary uses to allow their use to continue without being in violation of the code. They have already established these uses under the existing code. The permitted timeframe will expire and they would not be able to operate until the text amendment is approved.

The Chairperson stated that most of the Commission is in support of filing the text amendment and asked for a motion to approve filing the text amendment. A motion was made by Commission Nealon and seconded by Commissioner Phipps. The vote was 8 to 2 to file the text amendment on behalf of the Planning Commission. Commissioners Lipton and Allen voted against the filing of the text amendment.

## **Information**

### **Planning Director's Report**

Laura Harmon noted that due to the holidays, there were several changes to the December and January meeting schedules. She also indicated that the Department's public outreach presentations were included as attachment 5 in the agenda packet.

### **Committee Reports**

#### ***Executive Committee***

Chairperson Rosenburgh noted that the October 18, 2010 minutes were included in the agenda packet and asked for a motion to approve the minutes. Cheryl Neely informed the Chairperson that the minutes were already approved by the Executive Committee.

The Chairperson stated that the Charlotte's Housing Market – 2010 3<sup>rd</sup> Quarter Study is a future agenda item, but permission is needed from the author to distribute and discuss the report. The Chairperson will work to get authorization to release the Housing Study.

Commissioner Lipton asked about adding the UNCC Land Use study to the future agenda items list. The Chairperson noted that the UNCC Land Use study is already listed as a future agenda item. He asked Cheryl Neely to invite the author of the *Charlotte Observer* UNCC land use study article to present at a future work session.

The Chairperson noted that the HIRD text amendment and Capital Improvement Plan updates are other future agenda items.

#### ***Zoning Committee***

The Chairperson stated that there was a special Zoning Committee meeting at 2:00 pm to deal with the Urban Street Design Guidelines. He invited Planning Committee members to attend.

#### ***Planning Committee***

In the absence of Vice-Chairperson Johnson, Cheryl Neely informed the Chairperson and reminded Planning Committee members that the Planning Committee would tour the Steele Creek area at 2:00 pm, following the work session.

Commissioner Locher noted that Planning Committee members would not be able to attend the 2:00 pm Zoning Committee meeting.

#### ***Historic District Commission***

Commissioner Nealon reported that a couple of cases were deferred to address issues with specific details on the plans. She also noted that there was an interesting case in Wilmore where a former store was being converted to a home.

### **Communication from Chairperson**

The Chairperson announced that the Planning Coordinating Committee meeting will be held in late April. The Secretary of Commerce has agreed to be the keynote speaker. The meeting will be held in the Duke Energy Board Room. The Chairperson invited the full Commission to attend the meeting.

The Chairperson announced that the address for the holiday party was incorrect on the invitation and that Cheryl Neely will distribute an updated invitation following the work session. The Chairperson also announced that guests/spouses were not invited to the holiday party because of space issues.

Commissioner Lipton mentioned that the time for the Mayor's holiday party was changed to 3:00 pm. The date and location are the same.

**Adjournment**

The meeting adjourned at 1:22 pm.







**TEXT AMENDMENT SUMMARY - Transitional Setback – Subdivision Ordinance  
1-12-11**

**2011-013**

**Purpose/Background:** The purpose of this text amendment to the Subdivision Ordinance is to eliminate the minimum right-of-way requirement along U.S. 74 between I-277 and Albemarle Road. In addition, the minimum right-of-way requirements along U.S. 74 will no longer apply when the North Carolina Department of Transportation (NCDOT) completes the following right-of-way acquisition projects: 1) Transportation Improvement Project U-209B along U.S. 74 from Albemarle Road to Sharon Forest Drive, and 2) Transportation Improvement Project U-2509 along U.S. 74 from Sharon Forest Drive to the southeast city limits.

Current Regulations	Proposed Regulations	Rationale
<p>Section 20-22:</p> <ul style="list-style-type: none"> <li>The minimum right-of-way requirement for freeways or expressways other than U.S. 74 from Briar Creek southeast to the City limits is 350 feet.</li> </ul>	<ul style="list-style-type: none"> <li>Modifies the U.S. 74 exemption portion to begin at I-277, instead of Briar Creek, southeast to the City limits.</li> </ul>	<ul style="list-style-type: none"> <li>Right-of-way acquisition for portions of U.S. 74 between I-277 and the City limits are complete, and the requirement for a minimum right-of-way of 350' will no longer apply.</li> </ul>
<p>Section 20-22:</p> <ul style="list-style-type: none"> <li>The minimum right-of-way requirement along U.S. 74 between Briar Creek and W. T. Harris Boulevard: 250 feet.</li> </ul>	<ul style="list-style-type: none"> <li>Eliminates the transitional setback along U.S. 74 between I-277 and Albemarle Road.</li> <li>Retains the 250-foot minimum right-of-way requirement along U.S. 74 between Albemarle Road and W. T. Harris Boulevard until the North Carolina Department of Transportation completes the U.S. 74 acquisition project (Transportation Improvement Project U-209B from Albemarle Road to Sharon Forest Drive). Once complete, the 250-foot minimum right-of-way requirements will no longer apply to this section.</li> </ul>	<ul style="list-style-type: none"> <li>The acquisition of the right-of-way along this portion of U.S. 74 is complete, and the project is complete.</li> <li>Remaining portions of U.S. 74 that have a minimum right-of-way requirement of 250 feet will no longer have this requirement when NCDOT completes right-of-way acquisition along those portions.</li> </ul>
<p>Section 20-22:</p> <ul style="list-style-type: none"> <li>The minimum right-of-way requirement along U.S. 74 from W. T. Harris Boulevard southeast to the City limits: 280 feet minimum right-of-way.</li> </ul>	<ul style="list-style-type: none"> <li>Retains the 280-foot minimum right-of-way requirement along U.S. 74 from W. T. Harris Boulevard southeast to the City Limits until the North Carolina Department of Transportation completes the following projects: <ul style="list-style-type: none"> <li>U.S. 74 acquisition project (Transportation Improvement Project U-209B from Albemarle Road to Sharon Forest Drive). Once complete, the 140-foot transitional setback will no longer apply to this section.</li> <li>U.S. 74 right-of-way acquisition project (Transportation Improvement Project U-2509 from Sharon Forest Drive to the southeast city limits). Once complete, the 280-foot minimum right-of-way requirement will no longer apply to this section.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Remaining portions of U.S. 74 that have a minimum right-of-way requirement of 280 feet will no longer have this requirement when NCDOT completes right-of-way acquisition along those portions.</li> </ul>



Petition No: 2011-013  
 Petitioner: Charlotte-Mecklenburg Planning Department

**ORDINANCE NO. \_\_\_\_\_ AN ORDINANCE AMENDING APPENDIX A OF THE CITY CODE – SUBDIVISION ORDINANCE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

Section 1. Chapter 20, “Subdivision Ordinance” of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 20: SUBDIVISION ORDINANCE

1. Amend Section 20-22, “Design Standards for Streets” subsection (c), “Non-local street right-of-way” by adding language and footnotes regarding the elimination of the transitional setback along identified sections of U.S. 74 upon completion of the North Carolina Department of Transportation (NCDOT) Right-of-Way Acquisition Program. The subsections (1) through (5) under (c) shall remain unchanged. The revised subsection shall read as follows:

- (c) Non-local street right-of-way.

Street Type	Minimum Right-of-Way (in feet)
Freeway or Expressway other than U.S. 74 from <u>I-277 Briar Creek</u> southeast to the City Limits	350
<u>U.S. 74 between I-277 and Albemarle Road</u>	<u>Does not apply.</u>
U.S. 74 <del>from</del> between Albemarle Road <del>Briar Creek</del> and W.T. Harris Boulevard	250 <sup>2</sup>
U.S. 74 from W.T. Harris Boulevard southeast to the City limits	280 <sup>2 and 3</sup>
Limited-access Arterial	200
Commercial Arterial	150
Major Arterial	100 <sup>1*</sup>
Minor Arterial	70 <sup>1*</sup>

\*<sup>1</sup>The right-of-way widths for major and minor thoroughfares located within the area bounded by Route 4 and I-85 shall be a minimum of 80 feet for major thoroughfares and 60 feet for minor thoroughfares and as provided for in Section 12.103 of the zoning ordinance in appendix A to this Code.

<sup>2</sup> Completion of the North Carolina Department of Transportation (NCDOT) U.S. 74 right-of-way acquisition project (Transportation Improvement Project U-209B) from Albemarle Road to Sharon Forest Drive shall cause the transitional setback to no longer apply to the section of U.S. 74 from Albemarle Road to Sharon Forest Drive.

<sup>3</sup> Completion of the North Carolina Department of Transportation (NCDOT) U. 74 right-of-way acquisition project (Transportation Improvement Project U-2509) from Sharon Forest Drive to the southeast city limits shall cause the transitional setback to no longer apply to the section of U.S. 74 from Sharon Forest Drive to the southeast city limits.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

\_\_\_\_\_  
City Attorney

I, \_\_\_\_\_, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the \_\_ day of \_\_\_\_\_, 2011, the reference having been made in Minute Book \_\_\_\_\_, and recorded in full in Ordinance Book \_\_\_\_\_, Page(s)\_\_\_\_\_.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this \_\_ day of \_\_\_\_\_, 2011.

**TEXT AMENDMENT SUMMARY - Transitional Setback – Zoning Ordinance**  
**1-12-11**

**2011-014**

**Purpose/Background:** The purpose of this text amendment to the Zoning Ordinance is to eliminate the transitional setback along U.S. 74 between I-277 and Albemarle Road. In addition, the transitional setback will no longer apply when the North Carolina Department of Transportation (NCDOT) completes the following right-of-way acquisition projects: 1) Transportation Improvement Project U-209B along U.S. 74 from Albemarle Road to Sharon Forest Drive, and 2) Transportation Improvement Project U-2509 along U.S. 74 from Sharon Forest Drive to the southeast city limits.

Current Regulations	Proposed Regulations	Rationale
<p>Section 12.103:</p> <ul style="list-style-type: none"> <li>Transitional setback along U.S. 74 between Briar Creek and W. T. Harris Boulevard: 125 feet measured from the thoroughfare centerline.</li> </ul>	<ul style="list-style-type: none"> <li>Eliminates the transitional setback along U.S. 74 between I-277 and Albemarle Road.</li> <li>Retains the transitional setback of 125 feet along U.S. 74 between Albemarle Road and W. T. Harris Boulevard until the North Carolina Department of Transportation completes the U.S. 74 acquisition project (Transportation Improvement Project U-209B from Albemarle Road to Sharon Forest Drive). Once complete, the 125-foot transitional setback will no longer apply to this section.</li> </ul>	<ul style="list-style-type: none"> <li>The acquisition of the right-of-way along this portion of U.S. 74 is complete, and the project is completed.</li> <li>Remaining portions of U.S. 74 with transitional setback are eliminated when NCDOT completes right-of-way acquisition along those portions.</li> </ul>
<p>Section 12.103:</p> <ul style="list-style-type: none"> <li>Transitional setback along U.S. 74 from W. T. Harris Boulevard southeast to the City limits: 140 feet measured from the thoroughfare centerline.</li> </ul>	<ul style="list-style-type: none"> <li>Retains the transitional setback of 140 feet along U.S. 74 from W. T. Harris Boulevard southeast to the City Limits until the North Carolina Department of Transportation completes the following projects: <ul style="list-style-type: none"> <li>U.S. 74 acquisition project (Transportation Improvement Project U-209B from Albemarle Road to Sharon Forest Drive). Once complete, the 140-foot transitional setback will no longer apply to this section.</li> <li>U.S. 74 right-of-way acquisition project (Transportation Improvement Project U-2509 from Sharon Forest Drive to the southeast city limits). Once complete, the 140-foot transitional setback will no longer apply to this section.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Remaining portions of U.S. 74 with transitional setback are eliminated when NCDOT completes right-of-way acquisition along those portions</li> </ul>





**ORDINANCE NO. \_\_\_\_\_** **AN ORDINANCE AMENDING APPENDIX A  
OF THE CITY CODE – ZONING ORDINANCE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

**B. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY**

**1. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS**

- a. Amend Section 12.103, "Requirements for lots along thoroughfares" subsection (1) by adding language regarding the elimination of the transitional setback along identified sections of U.S. 74 upon completion of the North Carolina Department of Transportation (NCDOT) Right-of-Way Acquisition Program. The revised subsection (1) shall read as follows:

**Section 12.103. Requirements for lots along thoroughfares.**

G.S. 160A-306 states that cities shall have authority to (i) classify all or a portion of the streets within their jurisdictions according to their size, present and anticipated traffic loads, and other characteristics relevant to the achievement of the purposes of this Section, and (ii) establish by ordinance minimum distances that buildings and other permanent structures or improvements constructed along each class or type of street shall be setback from the right-of-way line or the center line of an existing or proposed street. Pursuant to that authority, the following requirements shall apply:

- (1) The minimum yards or setbacks prescribed for each zoning district, which abuts a thoroughfare shall be measured from the proposed right-of-way line established for each classification of thoroughfare as follows:

<b>Thoroughfare Classification</b>	<b>Distance From Thoroughfare Centerline to "Proposed; Right-of-Way Line"</b>
Freeway or Expressway (Class I) other than U.S. 74 from <del>Briar Creek</del> <u>I-277</u> southeast to the City limits	175 feet
<u>U.S. 74 between I-277 and Albemarle Road</u>	<u>Does not apply</u>

U.S. 74 between <u>Albemarle Road</u> <del>Briar Creek</del> and W.T. Harris Boulevard	125 feet <sup>2</sup>
U.S. 74 from W.T. Harris Boulevard southeast to the City limits	140 feet <sup>2 and 3</sup>
Limited Access Arterial (Class II)	100 feet
Commercial Arterial (Class III-C)	75 feet
Major Arterial (Class III)	50 feet <sup>1-*</sup>
Minor Arterial (Class IV)	35 feet <sup>1-*</sup>

<sup>1-\*</sup> The distance from thoroughfare centerline to proposed right-of-way line for Class III and IV thoroughfares located within the area bounded by Route 4 and I-85 shall measure 40 feet for Class III streets and 30 feet for Class IV streets. These standards represent the normally required rights-of-way. However, additional right-of-way may be necessary in the area of interchanges, intersections, cut/fill areas, or areas where horizontal or vertical alignments must be improved and will be determined on a case by case basis by the City Department of Transportation. In addition, in those areas in which the existing street right-of-way exceeds the above noted dimension, the right-of-way width may not be reduced and certain thoroughfares will exceed this dimension as indicated by the Thoroughfare Plan.

<sup>2</sup>Completion of the North Carolina Department of Transportation (NCDOT) U.S. 74 right-of-way acquisition project (Transportation Improvement Project U-209B) from Albemarle Road to Sharon Forest Drive shall cause the transitional setback to no longer apply to the section of U.S. 74 from Albemarle Road to Sharon Forest Drive.

<sup>3</sup>Completion of the North Carolina Department of Transportation (NCDOT) U. 74 right-of-way acquisition project (Transportation Improvement Project U-2509) from Sharon Forest Drive to the southeast city limits shall cause the transitional setback to no longer apply to the section of U.S. 74 from Sharon Forest Drive to the southeast city limits.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

\_\_\_\_\_  
City Attorney

I, \_\_\_\_\_, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, the reference having been made in Minute Book \_\_\_\_\_, and recorded in full in Ordinance Book \_\_\_\_\_, Page(s)\_\_\_\_\_.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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## Meeting Schedule

February 2011

<b>Date</b>	<b>Time</b>	<b>Purpose</b>	<b>Location</b>
<b>Full Planning Commission</b>			
02-07-11	Noon	Work Session	Conference Room 267 2 <sup>nd</sup> Floor – CMGC
<b>Planning Committee</b>			
02-07-11	2:00 p.m.	Steele Creek Area Plan Tour	Lobby – CMGC
02-15-11	5:00 p.m.	Work Session	Conference Room 267 2 <sup>nd</sup> Floor - CMGC
<b>Zoning Committee</b>			
02-07-11	2:00 p.m.	Zoning Work Session	Conference Room 267 2 <sup>nd</sup> Floor - CMGC
02-21-11	5:00 p.m.	Dinner with City Council	Conference Room CH-14 Basement – CMGC
02-21-11	6:00 p.m.	City Rezoning	Meeting Chamber Lobby Level – CMGC
03-02-11	4:30 p.m.	Zoning Work Session <sup>1</sup>	Conference Room 280 2 <sup>nd</sup> Floor – CMGC
<b>Executive Committee</b>			
02-21-11	4:00 p.m.	Work Session	Conference Room 266 2 <sup>nd</sup> Floor – CMGC
<b>Other Committees</b>			
02-09-11	3:00 p.m.	Historic District Commission	Conference Room 267 2 <sup>nd</sup> Floor – CMGC

<sup>1</sup> Because February is a short month, the February Zoning Committee Work Session is March 2, 2011.





# Charlotte-Mecklenburg Planning Commission

## Meeting Schedule

March 2011

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<b>Date</b>	<b>Time</b>	<b>Purpose</b>	<b>Location</b>
<b>Full Planning Commission</b>			
03-07-11	Noon	Work Session	Conference Room 267 2 <sup>nd</sup> Floor – CMGC
<b>Planning Committee</b>			
03-15-11	5:00 p.m.	Work Session	Conference Room 280 2 <sup>nd</sup> Floor - CMGC
<b>Zoning Committee</b>			
03-02-11	4:30 p.m.	Zoning Work Session <sup>1</sup>	Conference Room 280 2 <sup>nd</sup> Floor – CMGC
03-21-11	5:00 p.m.	Dinner with City Council	Conference Room CH-14 Basement – CMGC
03-21-11	6:00 p.m.	City Rezoning	Meeting Chamber Lobby Level – CMGC
03-30-11	4:30 p.m.	Zoning Work Session	Conference Room 280 2 <sup>nd</sup> Floor – CMGC
<b>Executive Committee</b>			
03-21-11	4:00 p.m.	Work Session	Conference Room 266 2 <sup>nd</sup> Floor – CMGC
<b>Other Committees</b>			
03-09-11	3:00 p.m.	Historic District Commission	Conference Room 267 2 <sup>nd</sup> Floor – CMGC
03-16-11	7:00 p.m.	MUMPO	Conference Room 267 2 <sup>nd</sup> Floor – CMGC

<sup>1</sup> Because February is a short month, the February Zoning Committee Work Session is March 2, 2011.



# Charlotte-Mecklenburg Planning Department

## FY2011 Community Outreach Presentations

#	Date	Presentation	Staff
1	09/02/10	St. Petersburg Times Presentation	D. Campbell
2	09/13/10	Guest Lecture at UNCC	D. Campbell
3	09/13/10	Clemson University Landscape Architecture Class - TOD Background and Class Project Site Discussion	Kent Main/Alan Goodwin
4	09/16/10	Leadership Charlotte Presentation on Planning	D. Campbell
5	09/17/10	North Carolina Arc Users Group (NCAUG)	L. Quinn
6	09/24/10	UNCC Seminar Class	L. Quinn
7	10/07/10	Ace Mentoring Program - Eastland Mall Presentation	L. Harmon
8	10/07-09/10	MTA Mini Revolution Conference - Baltimore, MD	D. Campbell
9	10/12/10	Waxhaw Board of Commissioners - Waxhaw Parkway Project	B. Cook
10	10/14-15/10	ULI Panel - Washington, DC	D. Campbell
11	10/19/10	Coventry Woods Neighborhood Meeting - Independence Area Plan	G. Johnson
12	10/27-28/10	ULI Hampton Roads Keynote Speaker - Norfolk, VA	D. Campbell
13	11/09/10	UNCC Institute of Transportation Engineers (Student Chapter) - MUMPO 101	B. Cook
14	11/17/10	GIS Day at Spirit Square	M. Sigmon
15	11/21/10	Dalebrook Community Meeting - Beatties Ford Road Area Update	J. Howard
16	11/23/10	Piedmont Middle School 6th Graders - City Planning Presentation	D. Campbell
17	11/23/10	Glenlea Park Neighborhood Association - Future Land Use Recommendations	M. McCullough
18	12/17/10	Floodplain rules and Water Quality Buffers for Land Surveyors Seminar	J. Weaver
19	01/04/11	University Park Neighborhood Association Executive Committee	D. Campbell
20	01/06/11	Providence Day School	G. Johnson



# Charlotte-Mecklenburg Planning Commission

## Executive Committee Meeting

December 20, 2010 - 4:00 pm

### Action Minutes

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Attachment 6

Approved January 18, 2011

#### Attendance

**Executive Committee Members Present:** Stephen Rosenburgh (Chairperson), Yolanda Johnson (Vice-Chairperson, and Andy Zoutewelle

**Executive Committee Member(s) Absent:** Tracy Finch Dodson

**Planning Staff Present:** Debra Campbell (Planning Director) and Cheryl Neely

The Planning Director left the meeting at 4:30 pm.

#### Call to Order

The Chairperson called the meeting to order at 4:15 pm.

#### Approval of Executive Committee Minutes

A motion was made by Commissioner Zoutewelle and seconded by Chairperson Rosenburgh to approve the November 23, 2010 Executive Committee meeting minutes. The vote was 3 to 0 to approve the minutes.

#### November 23, 2010 Executive Committee Meeting Follow-up Assignments

##### **Retreat Follow-up / Operating Agreements**

Vice-Chairperson Johnson indicated that the Retreat Follow-up Committee was charged with developing operating agreements by January 2011. She distributed a spreadsheet that the Committee created to use as a foundation for the Commission's operating agreement. They decided that the actions fell into three categories:

1. Roles and Responsibilities
2. Communication
3. Relevance

The Planning Director expressed concern about the scope of the draft document. She thought that the information was very detailed and too project specific, rather than something broad which could also apply to future Planning Commissions. The Chairperson agreed that the operating agreement should focus on how the group operates and not specific projects.

Vice-Chairperson Johnson stated that there were not any projects identified in the information submitted. The Director responded that since the document has deliverables, it looked more like a work plan versus an agreement which reflects how the Commission should work together.

Vice-Chairperson Johnson explained that the deliverables are for the operating agreement. She agreed that this may be too specific and noted that the information submitted was a summary. She asked the Executive Committee members to review the information and submit any additional comments to her.

### **December 6, 2010 Work Session Agenda Follow up** **Fresh Produce Markets Text Amendment**

Chairperson Rosenburgh asked the Planning Director if the zoning related concerns, identified by Commissioners, with the Fresh Produce Markets text amendment would be addressed during the Zoning Committee process. The Planning Director responded that zoning related issues would be addressed with the Zoning Committee. However, she noted that she wasn't sure how staff should address the non-zoning related concerns, such as the business license issue. She asked the Committee members if they wanted staff to follow up on this issue.

The Chairperson asked Commissioner Zoutewelle his opinion for handling non-zoning related issues. Commissioner Zoutewelle responded that Commissioner Green Fallon expressed concern that requiring small vendors to get a business license may cause financial hardships for them. Commissioner Zoutewelle stated that he did not feel strongly one way or the other about following up on this issue. The Chairperson suggested that staff should indicate that they have reviewed this concern and it is out of their scope.

### **Future Work Session Agenda Items**

Commissioner Zoutewelle mentioned that he did not attend the December work session and asked if the Housing Trends report would be on a future agenda. The Chairperson stated that it would be on a future agenda.

The Chairperson mentioned the UNCC Land Use Study. Cheryl Neely asked which month this should be on the agenda. The Chairperson asked staff to add this to the February agenda. The Chairperson also added the Charlotte's Housing Market – 2010 3<sup>rd</sup> Quarter Study to the February agenda. The Planning Director suggested that the data may be outdated since it is 2010 3<sup>rd</sup> quarter information. The Chairperson suggested that the trends were probably the same. Commissioner Zoutewelle suggested that the Housing Study information be distributed to the Commission if there are scheduling issues with placing this on the agenda. Chairperson Rosenburgh explained that he needed to get permission from the author prior to placing it on the agenda or distributing the information.

### **Approval of the January 10, 2011 Work Session Agenda**

The Chairperson noted the following January 10, 2011 work session agenda items:

- HIRD Text Amendment
- Capital Improvement Plan

The Chairperson asked Commissioner Zoutewelle if he was ok with the HIRD text amendment. Commissioner Zoutewelle asked why the existing ordinance should change when it's not being applied according to law, but policy. The Chairperson suggested that Commissioner Zoutewelle send this question, on behalf of the Executive Committee, to the Planning Director and request that she provide a response prior to the January work session. Commissioner Zoutewelle also stated that he is still concerned with the 24 ft. height maximum for accessory buildings. He asked the Chairperson if the Commission was the point to allow the text amendment to go through. The Chairperson responded that Commissioner Zoutewelle was assigned to work with staff on this text amendment and if Commissioner Zoutewelle has concerns with the text amendment, the Commission will support his concerns.

The Vice-Chairperson asked Cheryl Neely if the HIRD agenda item is an update or a request for permission to file. Ms. Neely indicated that she thought it was an update, but would confirm the action for this agenda item. The Vice-Chairperson suggested adding a PED text amendment update to the agenda. Cheryl Neely stated that she would follow up with the Planning Director. Commissioner Zoutewelle asked that the presentation include background as to why we have PED as well as a status of the text amendment process. The committee agreed that a PED update would be added to the agenda if the HIRD presentation is an update only and if the Planning Director is ok with adding this item to January's work session agenda.

A motion was made by Vice-Chairperson Johnson and seconded by Commissioner Zoutewelle to approve the January 10, 2011 work session agenda. The vote was 3 to 0 to approve the agenda as modified.

#### **Approval of the February 2011 Meeting Schedule**

A motion was made by Vice-Chairperson Johnson and seconded by Commissioner Zoutewelle to approve the February 2011 meeting schedule.

#### **Adjournment**

The meeting adjourned at 4:44 pm.





**NOTICE OF PUBLIC HEARINGS ON PETITIONS  
FOR ZONING CHANGES BY CITY COUNCIL  
OF THE CITY OF CHARLOTTE, N.C.**

NOTICE is hereby given that public hearings will be held by the City Council in the Meeting Chamber located in the Charlotte-Mecklenburg Government Center, 600 East Fourth Street beginning at 6:00 P.M. on **Monday, the 21st day of February, 2011** on the following petitions that propose changes to the Official Zoning Maps of the City of Charlotte, North Carolina:

**Petition No. 2011-006 by Dore Academy** for a change in zoning of approximately 6.078 acres located on the south side of Parkway Plaza Boulevard near Courtney Commons Lane from I-1(CD) to O-1.

**Petition No. 2011-007 by Medical Facilities of North Carolina, Inc.** for an **INST(CD)** site plan amendment for approximately 9.05 acres located on the east side of Toddville Road between Freedom Drive and Lewhaven Drive.

**Petition No. 2011-008 by Thies Realty & Mortgage Company** for a change in zoning of approximately 1.16 acres located on the west side of Providence Road between Moravian Lane and Ardsley Road from B-1 to UR-C(CD).

**Petition No. 2011-009 by Crescent Resources, LLC** for a MUDD-O site plan amendment for approximately 7.81 acres located on Carnegie Boulevard and west of the intersection between Assembly Street and Carnegie Boulevard.

**Petition No. 2011-010 by Hendrick Automotive Group** for a B-2(CD) site plan amendment for approximately 8.08 acres located on the west side of East Independence Boulevard across from East W. T. Harris Boulevard.

The City Council may change the existing zoning classification of the entire area covered by each petition, or any part or parts of such area, to the classification requested, or to a higher classification or classifications without withdrawing or modifying the petition.

Interested parties and citizens have an opportunity to be heard and may obtain further information on the proposed changes from the Charlotte-Mecklenburg Planning Department Office, Charlotte-Mecklenburg Government Center, 600 East Fourth Street, 704-336-2205. [www.rezoning.org](http://www.rezoning.org)

To file a written petition of protest which if valid will invoke the 3/4 majority vote rule (General Statute 160A-385) the petition must be filed with the City Clerk no later than the close of business on **Thursday, February 16, 2011**.

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**NOTICE OF PUBLIC HEARINGS ON PETITIONS  
FOR ZONING ORDINANCE CHANGES BY CITY COUNCIL  
OF THE CITY OF CHARLOTTE, N.C.**

NOTICE is hereby given that public hearings will be held by the City Council in the Meeting Chamber located in the Charlotte-Mecklenburg Government Center, 600 East Fourth Street beginning at 6:00 P.M. on **Monday, the 21st day of February, 2011** on the following petitions that propose changes to the City of Charlotte Zoning Ordinance:

**Petition 2011-014** Text Amendment to the City of Charlotte Zoning Ordinance to eliminate the transitional setback along identified sections of US Hwy. 74 upon completion of NCDOT Right-of-Way Acquisition Program. **Petitioner: Charlotte-Mecklenburg Planning Department.**

Interested parties and citizens have an opportunity to be heard and may obtain further information on the proposed changes from the Charlotte-Mecklenburg Planning Department Office, Charlotte-Mecklenburg Government Center, 600 East Fourth Street, 704-336-2205. [www.rezoning.org](http://www.rezoning.org)

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**NOTICE OF PUBLIC HEARINGS ON PETITIONS  
FOR SUBDIVISION ORDINANCE CHANGES BY CITY COUNCIL  
OF THE CITY OF CHARLOTTE, N.C.**

NOTICE is hereby given that public hearings will be held by the City Council in the Meeting Chamber located in the Charlotte-Mecklenburg Government Center, 600 East Fourth Street beginning at 6:00 P.M. on **Monday, the 21st day of February, 2011** on the following petitions that propose change to the City of Charlotte Subdivision Ordinance:

**Petition 2011-013** Text Amendment to the City of Charlotte Subdivision Ordinance to eliminate the transitional setback along identified sections of US Hwy. 74 upon completion of NCDOT Right-of-Way Acquisition Program. **Petitioner: Charlotte-Mecklenburg Planning Department.**

Interested parties and citizens have an opportunity to be heard and may obtain further information on the proposed changes from the Charlotte-Mecklenburg Planning Department Office, Charlotte-Mecklenburg Government Center, 600 East Fourth Street, 704-336-2205. [www.rezoning.org](http://www.rezoning.org)

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**AGENDA**  
**CHARLOTTE-MECKLENBURG PLANNING COMMISSION**  
**ZONING COMMITTEE WORK SESSION**  
**Charlotte-Mecklenburg Government Center, Rm 280**  
**January 26, 2011**  
**4:30 P.M.**

<p><b>1. Petition No. 2010-045 by Charlotte-Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify and clarify the regulations for pedestrian oriented information pillars and information pillar signs.</p>
<p><b>2. Petition No. 2010-051 by Habitat for Humanity of Charlotte, Inc.</b> for a change in zoning of approximately 3.629 acres located on the west side of Bingham Drive near North Tryon Street from I-2 to UR-2(CD).</p>
<p><b>3. Petition No. 2010-067 by Mecklenburg County Park &amp; Recreation Department</b> for a change in zoning of approximately 1.64 acres located on the south side of Bevington Place between Elm Lane and Rea Road from R-15(CD) to NS.</p>
<p><b>4. Petition No. 2010-069 by Patrick N. Dillon</b> for a change in zoning of approximately 13.98 acres located on the east side of the intersection of Mallard Creek Road and Penninger Circle and located across from Mason Drive from R-3 to INST (CD).</p>
<p><b>5. Petition No. 2010-072 by Quail Corners Associates, LLC</b> for a CC site plan amendment for approximately 14.40 acres located at the southwest corner of the intersection of Park Road and Sharon Road West.</p>
<p><b>6. Petition No. 2010-075 by Woodie Enterprises, Inc</b> for a change in zoning of approximately 0.474 acres located on the east side of Carmel Road near the intersection of Carmel Road and Pineville-Matthews Road (HWY 51) from B-1(CD) and O-1 to B-1(CD) SPA and B-1(CD).</p>
<p><b>7. Petition No. 2010-076 by Anders Platt</b> for a change in zoning of approximately 3.4 acres located at the northeast corner of the intersection of West Boulevard and Dr. Carver Road from R-22MF and I-1 to INST(CD).</p>
<p><b>8. Petition No. 2010-078 by Charlotte-Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to add a new definition for heating, ventilation and air conditioning (HVAC) and revise the regulations.</p>
<p><b>9. Petition No. 2010-079 by Charlotte-Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to add a new use, definition, and prescribed conditions for an eco-industrial facility.</p>
<p><b>10. Petition 2010-080 by Charlotte Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to replace the regulations for "Outdoor Seasonal Fresh Produce Sales" with a new definition and regulations for "Fresh Produce Markets".</p>
<p><b>11. Petition No. 2011-001 by Automotive Management Services, Inc.</b> for a change in zoning of approximately 0.451 acres located along the west side of South Boulevard and bounded by Interstate 485 on the south and the Southern Railway on the west from B-1 to B-2(CD).</p>
<p><b>12. Petition No. 2011-003 by Music Factory Condominiums, LLC</b> for a MUDD-O site plan amendment for approximately 1.77 acres located along the east side of Hamilton Street between Seaboard Street and West Brookshire Freeway.</p>
<p><b>13. Petition 2011-004 by Charlotte Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to comply with NC Statutes and Session Law 2009-178 regarding new requirements for third party rezoning petitions.</p>
<p><b>14. Petition 2011-005 by Charlotte Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to comply with NC Fair Housing Act and Session Law 2009-533 to prevent discrimination against affordable housing.</p>



**Charlotte-Mecklenburg Planning Commission  
Planning Committee Meeting Minutes  
CMGC – Innovation Station, 8<sup>th</sup> Floor  
November 16, 2010**

**Planning Committee Members Present:** Andy Zoutewelle (Vice-Chairperson), Eric Locher, Lucia Griffith, and Margaret Nealon

**Planning Committee Members Absent:** Yolanda Johnson, Emma Allen, and Joel Randolph

**Zoning Committee Members Present:** Claire Fallon and Greg Phipps (Attended to satisfy the requirements for a quorum)

**Planning Staff Present:** John Howard, Michelle Jones, Sonda Kennedy, Kent Main, Melony McCullough, Alysia Osborne, Bryman Suttle, and Jonathan Wells

**Other Staff Present:** Brian Horton (Transportation) and Robert W. Drayton (City Real Estate)

**Call to Order**

Vice-Chairperson Zoutewelle called the meeting to order at 5:05 p.m. He thanked Commissioners Claire Fallon and Gregg Phipps for attending the meeting.

**Approval of Meeting Minutes**

*A motion was made by Commissioner Locher and seconded by Commissioner Nealon to approve the October 19, 2010 minutes. The vote was unanimous (6-0) to approve the minutes.*

**Recommend Adoption of the draft Plaza-Central Pedscape Plan Amendment**

Commissioner Zoutewelle stated that the Committee is being asked to make a recommendation on the draft plan amendment request to reduce the 400' separation required between residential districts and bars/nightclubs to 225'. This reduction would apply to all properties located within the *Plaza-Central Pedscape Plan* boundaries.

Commissioner Zoutewelle attended the Transportation and Planning Committee (TAP) meeting and heard Committee members voice concern about public participation during the planning process. He contacted three local area neighborhood leaders via e-mail and received one response in support of the plan. Michelle Jones (Planning staff) confirmed that although proper notification took place, there was not much participation in the Citizen Advisory Group (CAG) meetings.

The Committee continued their discussion and Commissioner Fallon stated that if the plan amendment is not approved, it may place a hardship on some businesses in the area. Commissioner Griffith added that Charlotte should become more urbanized and cautioned the City about being too strict with buffers. Commissioner Locher thinks it is important to recognize the community's needs and changes that are taking place in the neighborhood. Commissioner Nealon attended a neighborhood meeting and supports the request. Commissioner Phipps is supportive of the request since all of the affected property owners were properly notified and have not voiced any concerns.

*A motion was made by Commissioner Griffith and seconded by Commissioner Fallon to approve the draft Plaza-Central Plan Amendment. The vote was 6-0 to approve.*

**M.R. #10-010 Proposed Sale of City Owned Property Located on West Todd Lane**

*The Planning Committee recommended deferral of this mandatory referral in June to allow City Real Estate to notify the interested buyer, New Zion Baptist Church, that the property has to be rezoned before it can be used as a parking lot.*

Bryman Suttle (Planning staff) presented the mandatory referral for the City of Charlotte's Real Estate proposal to sale an 8,000 square foot parcel located off of Old Mt. Holly Road on the west side of West Todd Lane to New Zion Baptist Church. The church intends to use this parcel for parking. Mr. Suttle stated that the church has purchased other properties in the area since this item was discussed at the June Committee meeting. He emphasized that parking is not permitted on the subject property unless it is rezoned. Commissioner Locher asked if no parking signs should be posted on the subject site. Mr. Suttle stated that parking violations are a code enforcement issue. Commissioner Fallon asked if the church will use the property for parking. Mr. Kelly (New Zion Baptist Church trustee) stated that the church has already purchased the property needed for parking. However, they are still interested in purchasing the subject property to combine with other parcels that the church has purchased. Commissioner Phipps questioned the size of the lots that the church has purchased and if they are adequate for parking. Mr. Kelly said he is not sure because of buffer requirements. Commissioner Nealon had questions about the water main line, on the subject property. Mr. Kelly stated that the water main does run through the property and there are no plans to pave the lot.

The Committee discussed the potential use of this site by the church. Commissioner Phipps stated that nothing can be done with the property until it is rezoned. Commissioner Zoutewelle commented that this purchase is a risk to the church since it needs to be rezoned for parking. He asked Mr. Kennedy if he understands that he has to apply for and be granted a rezoning to use the property for parking. Mr. Kennedy replied that he understands. Commissioners Fallon and Griffith cautioned Mr. Kennedy that there is no guarantee that a rezoning will be approved. Commissioner Nealon supports removing the City's liability and transferring this property to the church. Commissioner Locher stated he thinks the church is doing the right thing. Commissioner Phipps noted that the church is aware of the risk so he supports the mandatory referral

*A motion was made by Commissioner Phipps and seconded by Commissioner Locher to approve staff's recommendation for Mandatory Referral #10-010. The vote was 6-0 to approve.*

**M.R. #10-019 Proposed Land Exchange between Mecklenburg County, City of Charlotte, and a Developer in the Metropolitan Area**

This item was deferred in October because there was not a quorum present to take action on this mandatory referral. Commissioner Zoutewelle has a conflict of interest and was recused. At the November meeting, Commissioner Nealon shared that she also has a conflict of interest, leaving only four commissioners eligible to vote. Therefore, Mandatory Referral #10-019 was deferred until December.

Commissioner Griffith asked if a member has to be physically present at the meeting to have a quorum. Commissioner Zoutewelle replied that this is a question for the City Attorney to answer. Also, Commissioner Zoutewelle was concerned about the time limits that are placed on hearing a mandatory referral. He questioned whether any consequences or hardships will be imposed on the parties if the request is delayed for a second time. Jonathan Wells (Planning Staff) stated that the law requires a hearing within 30 days of submittal for mandatory referrals but does not specify penalties. It was stated that the City or County can proceed with action on this item without a recommendation from the Committee. Commissioner Griffith suggested that the Committee take action on this mandatory referral at the next full Planning Commission meeting. Ms. McCullough reminded the Committee that the next Planning Committee meeting is scheduled for December 14<sup>th</sup>.

*The Committee deferred Mandatory Referral #10-019 until December 14<sup>th</sup> due to lack of a quorum.*

### **Draft Independence Boulevard Area Plan Review and Adoption Process**

Committee members discussed the plan review and adoption process. Ms. Alysia Osborne (Planning staff) and Mr. Brian Horton (Transportation staff) were present to answer questions and respond to Committee members' concerns. It was noted that Commissioners Zoutewelle and Johnson requested that this item be placed on the agenda. Their desire is to have an official record of the Committee's approach to reviewing and making a recommendation on the draft *Independence Boulevard Area Plan*.

Commissioner Zoutewelle began the discussion by asking the Commissioners present if they had an opportunity to review the public comments on the draft plan that were summarized in the Committee's May minutes. The Committee discussed concerns about the transitional setback and its impact on the draft plan. Commissioner Locher asked if the transitional setback discussion pertains to all state roads or is it specific to Independence Boulevard. Ms. Osborne said she has not seen the legislation that is being drafted. Commissioner Zoutewelle asked staff if the draft plan had changed recently. Ms. Osborne stated the draft plan document has not changed since the public review and adoption process began in April.

Commissioner Zoutewelle asked about the status of possible property owner buyouts. Ms. Osborne said implementation of the plan will not begin until the plan is adopted.

Commissioner Phipps asked when will the plan go before City Council for approval. Ms. Osborne stated that the plan is on hold indefinitely by City leadership. Commissioner Zoutewelle stated that the Committee needs to follow the plan review and adoption process. Commissioner Griffith thinks that the Independence Boulevard area is critical and whatever decision is made will have a direct impact on the downtown area because of its close proximity. She said that the plan should not be rushed and more time may be necessary. She also mentioned that Council Member Carter has been discussing light rail plans for the Independence Boulevard Corridor. Mr. Horton explained rapid transit and the transportation envelope and that the land use recommendations are the same for both. Commissioner Nealon agreed that the process has been slow but thinks that delaying plan adoption of the plan will not help developer confidence in the area's future. Commissioner Griffith requested that the Committee be given information used during the plan development process in order to better understand what property owners envision for their property. Commissioner Fallon asked who decides what type of rapid transportation we should have along this corridor and if we received any monies from the State. Commissioner Phipps expressed his concern about the ability of property owners to file rezoning petitions in areas where a draft plan is pending adoption. He thinks this process diminishes the value of the draft plan document. Commissioner Nealon will draft an email to Commissioner Zoutewelle stating her questions and concerns. Ms. McCullough informed the group that Planning Staff is waiting to hear from City leadership on the next steps. Commissioner Zoutewelle thanked everyone for their comments and asked if this item should be taken to the Executive Committee for further instructions.

### **Area Plan Status and Meeting Report**

*Elizabeth Area Plan* – Commissioner Griffith stated that there was a CAG meeting on October 20 and participants voiced concern about the draft plan recommendations. The next CAG meeting is scheduled for November 17.

*Midtown, Morehead and Cherry Area Plan* – A public meeting to kick off the planning process is scheduled for November 30.

*Steele Creek Area Plan* – Commissioner Zoutewelle shared that a CAG meeting was held in November to wrap up the planning process. The Committee is scheduled to tour the plan area on December 6 following the Planning Commission work session.

Ms. McCullough stated that next month the Planning Committee will meet on December 14.

### **Meeting Adjourned**

Commissioner Zoutewelle thanked everyone for attending and the meeting adjourned at 6:25 p.m.





## Charlotte Historic District Commission Update

January 24, 2011

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At their January 19, 2011 Regular Meeting, the Charlotte Historic District Commission made the following rulings on Applications for Certificates of Appropriateness:

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A.	524 East Worthington Avenue, Dilworth Local Historic District Addition Kent Lineberger, Architect/Applicant	HDC 2010-110	<b>Approved</b>
B.	1600 South Mint Street, Wilmore Local Historic District Partial Demolition Weldeghebriel Haile, Applicant	HDC 2011-002	<b>Demolition Delayed 365 Days</b>
C.	811 East Tremont Avenue, Dilworth Local Historic District Addition  Allen Brooks, Architect/Applicant	HDC 2011-003	<b>Deferred to February 2011</b>
D.	329 East Worthington Avenue, Dilworth Local Historic District Addition Lucia Griffith, Applicant	HDC 2011-005	<b>Approved</b>
E.	501 West Park Avenue, Wilmore Local Historic District Implementation of Parking Plan for Greater Galilee Baptist Church Dexter Sneed, Greater Galilee Baptist Church Trustee, Applicant	HDC 2011-007	<b>Approved</b>

Other than the approval of the minutes of the December 10, 2010 Meeting, no other business was conducted.